

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM TRANQUILLI,)	1:05-cv-0592 OWW DLB
)	
Plaintiff,)	ORDER AFTER SCHEDULING
)	CONFERENCE
v.)	
)	Further Scheduling
MISSION VILLAGE, a limited)	Conference Date: 11/04/05
partnership,)	8:45 Ctrm. 2
)	
Defendant.)	
)	
)	
)	

I. Date of Scheduling Conference.

September 30, 2005.

II. Appearances Of Counsel.

Thomas N. Stewart, III, Esq., appeared on behalf of
Plaintiff.

Thomas Boehm, Esq., appeared on behalf of Defendant.

III. Summary of Pleadings.

1. Plaintiff, William Tranquilli, does not have the
substantial use of his legs, and is a "person with a disability"
and "physically handicapped person." Plaintiff requires the use
of a wheelchair for locomotion and is either unable to use
portions of public facilities which are not accessible to

1 disabled persons who require the use of a wheelchair or is only
2 able to use such portions with undue difficulty.

3 2. The Toledo Mexican Restaurant (the Restaurant) is
4 located in a shopping center (the Center) which is located at 367
5 E. Shaw Avenue, Fresno, California. The Center is open to the
6 public. Defendants own, operate and/or lease the Center.

7 3. This case involves the denial of sanitary facilities to
8 Plaintiff and others similarly situated at the Center on March
9 18, 2005. Plaintiff was denied equal protection of the law and
10 was denied civil rights under both California law and federal
11 law, as hereinbelow described. Plaintiff was denied his rights
12 to full and equal access at the Center because of inaccessible
13 sanitary facilities in the Restaurant, all of which made the
14 Center not properly accessible to Plaintiff or to others
15 similarly situated. Plaintiff seeks injunctive relief to require
16 Defendants to modify the restroom, to comply with the CBC and
17 ADAAG where required, to remove all barriers to access which are
18 readily achievable, to make all reasonable accommodations in
19 policy in order to enable Plaintiff and others similarly situated
20 to use the Center and at minimum, to use readily achievable
21 alternative methods to enable Plaintiff to use the goods and
22 services which the Center makes available to the non-disabled
23 public. Plaintiff also seeks the recovery of damages for his
24 personal damages involved in the discriminatory experiences of
25 March 18, 2005, and seeks recovery of reasonable attorney's fees
26 and litigation expenses and costs according to statute.

27 IV. Orders Re Amendments To Pleadings.

28 1. The parties do not anticipate filing any amendments to

1 the pleadings at this time.

2 V. Status of the Case.

3 1. The parties are engaged in what the believe to be
4 productive negotiations and mutually request that this scheduling
5 conference be continued at least thirty (30) days to enable
6 negotiations now in progress to resolve.

7 2. IT IS ORDERED that the Scheduling Conference in this
8 case is continued to November 4, 2005, at 8:45 a.m. before the
9 Honorable Oliver W. Wanger.

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11 DATED: September 30, 2005.

12 /s/ OLIVER W. WANGER

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14 Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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